



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
COUNCIL MINUTES**

MEETING NO. TWELVE

June 24, 2024, 6:30 p.m.

**Township Administration Building
318 Canborough Street, Smithville, Ontario**

Council: Mayor Cheryl Ganann
Councillor Shelley Bradaric
Councillor Joann Chechalk
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta

Absent: Councillor Terry Bell

Staff: Donna DeFilippis, Chief Administrative Officer and Treasurer
Brian Treble, Director of Planning and Building
Justin Paylove, Acting Director of Legislative Services/Clerk
Cindy Weir, Library Chief Executive Officer
Roberta Keith, Information Technology Manager

Attendees: John Ganann
Cai Sherton*
Doug Shirton*
Nicole Shirton*

1. SINGING OF "O CANADA" - SMITHVILLE CHRISTIAN HIGHSCHOOL

Prior to commencing with the Council meeting, Mayor Ganann will provide the following announcements:

1. Comments from the public for a matter that on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either

1. emailing jpaylove@westlincoln.ca before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and be part of the public record; OR,
2. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
3. Tonight's Council Meeting will be livestreamed as well as recorded and available on the Township's website

2. LAND ACKNOWLEDGEMENT STATEMENT

3. OPENING PETITION - Councillor Shelley Bradaric

4. CHANGE IN ORDER OF ITEMS ON AGENDA

There were no changes in the order of items on the agenda.

5. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

5.1 Councillor William Reilly - DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

Councillor Reilly noted that he has a potential conflict of interest with Agenda Item 17.3, as he was not in attendance at the Special Council Meeting held on August 9, 2023 which was the subject of the Ombudsman Report.

5.2 Councillor Jason Trombetta - DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

Councillor Trombetta noted that he has a potential conflict of interest with Agenda Item 17.3, as he was not in attendance at the Special Council Meeting held on August 9, 2023 which was the subject of the Ombudsman Report.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

The Chair inquired if there were any members of the public present who wish to address a specific item on the agenda.

There were no members of the public present who wished to address a specific item on the agenda.

7. APPOINTMENTS/PRESENTATIONS

7.1 Cai Shirton

Re: Presentation of a cheque by John Ganann (Kiwanis) for Cai Shirton
John Ganann, on behalf of the Kiwanis Club of West Lincoln, presented local resident Cai Shirton with a cheque to support his fundraiser.

8. REGIONAL COUNCILLOR’S REMARKS

Regional Councillor Albert Witteveen did not read remarks and instead sent his regrets.

9. CONFIRMATION OF MINUTES

9.1 Council Minutes

Re: Minutes - May 27, 2024

Confidential Minutes Under Separate Cover

Moved By Councillor Shelley Bradaric

Seconded By Councillor William Reilly

1. That the minutes relating to the open session portion of the May 27, 2024 Council Meeting, and the recommendations contained therein, be accepted; and,
2. That the confidential minutes relating to the closed session portion of the May 27, 2024 regular Council Meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in Section 239 of the *Municipal Act*.

Carried

9.2 Special Council Minutes

Re: Minutes June 10, 2024

Moved By Councillor Joann Chechalk

Seconded By Councillor Jason Trombetta

That the minutes of the June 10, 2024 Special Council Meeting, and the recommendations contained therein, be accepted.

Carried

9.3 Public Meeting Under the Development Charges Act Minutes

Re: Minutes - May 27, 2024

Moved By Councillor Jason Trombetta

Seconded By Councillor Joann Chechalk

That the minutes of the May 27, 2024 Public Meeting held under Section 12 of the *Development Charges Act, 1997, as amended*, with respect to:

- 1. 2024 Development Charges Background Study and proposed By-Law and the recommendations contained therein, be accepted.

Carried

10. COMMUNICATIONS

10.1 Interim Chief Administrative Officer/Treasurer (Donna DeFilippis)

Re: Memo regarding Funding Agreement for the Renewed Canada Community Building Fund (CCBF) 2024-2034

Moved By Councillor Mike Rehner

Seconded By Councillor William Reilly

That, the memorandum from Interim Chief Administrative Officer/Treasurer (Donna DeFilippis) dated June 18, 2024, be received for information.

Carried

10.2 Mike Deboer

Re: Request of Fee Waiver for Minor Variance

Moved By Councillor Joann Chechalk

Seconded By Councillor Shelley Bradaric

That, the correspondence received from Mike Deboer dated June 12, 2024, be received for information.

Carried

10.3 Assyl and Michael Carlton

Re: Request of Exemption from Noise By-Law provisions (Section 5 of Noise By-Law 2013-50) for a wedding, specifically from 11 p.m. on July 13, 2024 to 3 a.m. on July 14, 2024

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

1. That the correspondence from Assyl & Michael Carlton, received June 21, 2024, requesting an exemption from the provisions of the Township's Noise By-Law 2013-50, in order to hold a wedding at 6696 Canborough Road, Wellandport on Saturday, July 13, 2024, with the exemption being specifically from 11 p.m. on July 13, 2024 to 3 a.m. on July 14, 2024; be received and supported; and,
2. That Assyl & Michael Carlton be required to advise all surrounding property owners within 200 metres of 6696 Canborough Road of the wedding being held on this property; and,
3. That a copy of this resolution be forwarded to the Niagara Regional Police.

Moved By Councillor Mike Rehner

Seconded By Councillor Shelley Bradaric

That, Resolution 1 be amended to alter the noise exemption from 11:00 PM to 3:00 AM, to instead read 11:00 PM to 1:00 AM.

Carried

Moved By Councillor Jason Trombetta

Seconded By Councillor Joann Chechalk

That the correspondence from Assyl & Michael Carlton, received June 21, 2024, requesting an exemption from the provisions of the Township's Noise By-Law 2013-50, in order to hold a wedding at 6696 Canborough Road, Wellandport on Saturday, July 13, 2024, with the exemption being specifically from 11 p.m. on July 13, 2024 to 1 a.m. on July 14, 2024; be received and supported;

Moved By Councillor Jason Trombetta

Seconded By Councillor William Reilly

1. That Assyl & Michael Carlton be required to advise all surrounding property owners within 200 metres of 6696 Canborough Road of the wedding being held on this property; and,
2. That a copy of this resolution be forwarded to the Niagara Regional Police.

Carried

11. MAYOR'S REMARKS

The Mayor read from a prepared statement, attached to the minutes as Schedule "A".

12. REPORT OF COMMITTEE

12.1 Planning/Building/Environmental Committee

Re: Minutes - June 10, 2024

Moved By Councillor William Reilly

Seconded By Councillor Joann Chechalk

That the minutes relating to the June 10, 2024 Planning, Building & Environmental Committee Meeting, and the recommendations contained therein, be accepted.

Carried

12.2 Administration/Finance/Fire Committee

Re: Minutes - June 17, 2024

Moved By Councillor Jason Trombetta

Seconded By Councillor Shelley Bradaric

That the minutes relating to the June 17, 2024 Administration, Finance & Fire Committee Meeting, and the recommendations contained therein, be accepted.

Carried

12.3 Public Works & Recreation Committee

Re: Minutes - June 17, 2024

Moved By Councillor Mike Rehner

Seconded By Councillor William Reilly

That the minutes relating to the June 17, 2024 Public Works & Recreation Committee Meeting, and the recommendations contained therein, be accepted.

Carried

13. RECONSIDERATION

There were no motions introduced to reconsider action taken at this Council Meeting or the previous regular Council meeting.

14. NOTICE OF MOTION TO RESCIND

There were no notices of intent served to introduce a motion to rescind action taken previously by Council.

15. OTHER BUSINESS

15.1 Members of Council

Re: Council Remarks

Councillor Rehner

Re: McNally House

Councillor Bradaric

Re: Canada Day

15.2 Acting Director of Legislative Services/Clerk (Justin Paylove)

Re: Declaration of Vacancy for Ward 3 Council seat

Moved By Councillor William Reilly

Seconded By Councillor Joann Chechalk

That, the Office for one (1) Councillor position, for Ward 3 (Smithville) in the Township of West Lincoln, be and is hereby declared vacant in accordance with the "Vacancies" provisions of the Municipal Act.

Carried

16. NEW ITEMS OF BUSINESS

There were no motions approved to introduce any new items of business.

17. CONFIDENTIAL MATTERS

Moved By Councillor Jason Trombetta

Seconded By Councillor Joann Chechalk

That the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) and 239(3)(b) of the *Municipal Act 2001*:

17.1 Interim Chief Administrative Officer and Treasurer (Donna DeFilippis)

Re: Station 2 Update

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

17.2 Interim Chief Administrative Officer and Treasurer (Donna DeFilippis)

Re: CAO Staffing Update

VERBAL UPDATE

Applicable closed session exemption(s):

- Personal matters about an identifiable individual, including municipal or local board employees.

17.3 Acting Director of Legislative Services/Clerk (Justin Paylove)

Re: Preliminary Ombudsman Report regarding the Special Council Meeting held on August 9, 2023

FOR DISCUSSION

Applicable closed session exemption(s):

- an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2(1). 2014, c. 13, Sched. 9, s. 22

Carried

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

That Council receive Confidential Item 17.1, 17.2 be received for information.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

That Council receive Confidential Item 17.3 for information.

17.1 Interim Chief Administrative Officer and Treasurer (Donna DeFilippis)

17.2 Interim Chief Administrative Officer and Treasurer (Donna DeFilippis)

17.3 Acting Director of Legislative Services/Clerk (Justin Paylove)

18. BY-LAWS

Moved By Councillor Jason Trombetta

Seconded By Councillor Mike Rehner

1. That leave be granted to introduce By-Laws 2024-42, 2024-43, 2024-44, 2024-45, 2024-46, 2024-47 and 2024-48, and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,
 2. That the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.
- 18.1 BY-LAW 2024-42
- A By-Law to amend By-Law 2019-83 Respecting Development Charges for the Township of West Lincoln, as amended.
- 18.2 By-law 2024-43
- A By-Law to amend By-Law 2023-03 which confirmed various appointments and/or recommendations for appointments to Boards, Committees & Municipal Positions.
- 18.3 BY-LAW 2024-44
- A By-Law to authorize an agreement between the Corporation of the Township of West Lincoln and Circle P. Paving for the paving of spot repairs and parking lot.
- 18.4 BY-LAW 2024-45
- A By-Law to authorize the Mayor and Clerk to sign the administrator agreement with the Association of Municipalities of Ontario (AMO) Canada Community Building Fund.
- 18.5 BY-LAW 2024-46
- A By-Law to permanently close part of the municipal road allowance between lots 31 & 32, Concession 6, being part 5, 6, 7, and 11 of 30R-16271.
- 18.6 BY-LAW 2024-47
- A By-Law to amend Zoning By-Law No. 2017-70, as amended, of the Township of West Lincoln.
- 18.7 BY-LAW 2024-48
- A By-Law to adopt, confirm and ratify matters dealt with by Council Resolution.

19. ADJOURNMENT

The Mayor declared this meeting adjourned at the hour of 8:53 p.m.

JUSTIN PAYLOVE, CLERK

MAYOR CHERYL GANANN